



THE TOWN OF FENWICK ISLAND

800 Coastal Highway Fenwick Island, DE 19944 302-539-3011 • Fax: 302-539-1305

www.fenwickisland.delaware.gov

Incorporated 1953

Regular Meeting of the Town Council The Town of Fenwick Island March 27, 2009 @3:30 PM **AGENDA**

- 1. Flag Salute and Call to Order
- 2. Topics for Discussion and Possible Action
 - a. Census 2010 Presentation Kathy Dondarski (US Census Bureau)
 - b. Delaware Bike Summit Jim Westin (DelDOT)
 - c. Fenwick Island Farmers Market Ellen Magee
 - d. Planning Commission Request to replace the current Parks and Recreation/Beautification Committee with a Planning Commission Sub-committee to be known as the Parks and Recreation Sub-committee - Winnie Lewis
 - e. Linking Policy Tom Wontorek
 - f. Overlay District Proposed Public Workshop Chris Clark
- 3. Approval of Minutes from February 27, 2009 Regular Council Meeting.
- 4. Treasurer's Report: Gardner Bunting
- 5. Town Manager's Report: Interim Town Manager Tom Wontorek
 - a. Recycling Contract Bid
 - b. Voter Registration
- 6. Department Reports: Beach, Building, Public Works and Police Department
- 7. Committee Reports: Beach, Commercial, Environmental
- 8. Planning Commission: Winnie Lewis
- 9. Charter and Ordinance: Bill Weistling
 - a. Proposed First Reading: Chapter 52 Beaches §52-14 Violations and penalties
 - b. Proposed Second Reading: Chapter 5 Aldermen Delete in its Entirety
- 10. Old Business
- 11. Public participation
- 12. President's Report
 - a. Service Awards Charlie Smith (Public Works) 10 years and Stephen Majewski (FIPD) 5 years
- 13. Upcoming Events and Meetings
 - a. April 7, 2009 Charter & Ordinance 9:30 AM
 - b. April 8, 2009 Environmental Committee 2:00 PM
 - c. April 10, 2009 Town Hall Closed for Business
 - d. April 14, 2009 Cultural & Historic Preservation Sub-committee and Planning Commission 1:00 PM and 2:30 PM respectively
 - e. April 23, 2009 Commercial Liaison Committee 3:30 PM
 - f. April 24, 2009 Arbor Day
 - g. April 24, 2009 Regular Council Meeting 3:30 PM
- 14. Adjournment

This agenda is subject to change to include the deletion of items and the addition of items, including Executive Sessions, which arise at the time of the meeting.

Posted: March 19, 2009

Dear Agnes DiPietrantonio,

Per our phone conversation, I am very much interested in attending, if possible, Fenwick Island's Town Meeting on February 27th. I would provide information about the Census 2010 and the temporary PT/FT jobs through the US Census Bureau. Handouts including job descriptions, sample brochures, practice tests, etc. are perfect for a town meeting setting.

My goal is to increase awareness about the Census 2010 through these temporary positions and to listen to the members as to how and where the US Census' applicant pool

for Fenwick is best located.

Please let me know as to whether this month is available as I am very happy to attend. Any more questions or info needed, do not hesitate to contact me via cell or email.

Kathy Dondarski 1.302.934.7563 (H) 1.302.249.9178 (C)

Fenwick Island Farmers Market c/o Ellen M. Magee 34857 Lighthouse Road Selbyville, De 19975

March 11, 2009

To: Town of Fenwick Island

The PNC Bank has given the Fenwick Island Farmers Market permission to hold a farmers market on the vacant lots (Lot 246) that the bank owns. This lot is located at Rt. 1 and Essex St. I am asking that the Fenwick Town Council approve the farmers market.

We would like to hold the market every Monday starting June 29 and would go to Aug. 31. The hours would be 8am - 12 noon. We would like to put up a 30 square foot sign to advertise the market on the property.

We would provide parking on the lot. No parking will be permitted on Rt. 1.

A site plan is attached.

I believe this would be an asset to the town. I hope the town council will approve the farmers market.

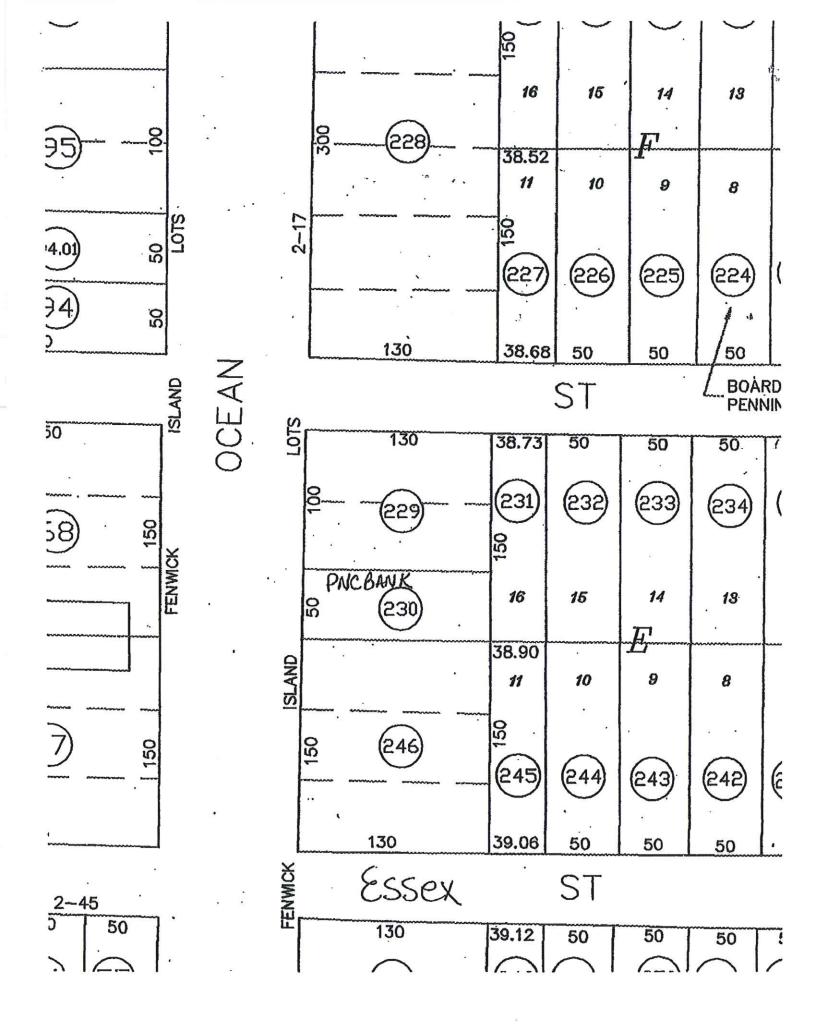
If you have any questions, please do not hesitate to contact me. My phone number is 302-436-5589.

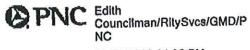
Ellen M. Magee

Ellen M. Magee

OKUST

Venoor5 ADD PARNING 45' 1PZ Y renders 201 14/1/1201 R. HARD OFFOIL 8 7- 10120 KARRE 25' WALK K__ 83 1150 130 42183





03/12/2009 04:38 PM

To Stacey Chick/RitySvcs/PGH/PNC@PNC

cc Kathy Castrovillo/Consumer/GMD/PNC@PNC

bcc

Subject Fw: Fenwick Farmer's Market

Approval from Joe.

Edith J. Councilman PNC Realty Services - GMD 207 Market Street, Denton, MD 21629 MS - F7-C395-01-1 410.479.5070 Direct line phone 410.479.2098 Fax 443.829.2190 cell

---- Forwarded by Edith Councilman/RitySvcs/GMD/PNC on 03/12/2009 04:37 PM -----

OPNCBANK Joseph

Pipitone/Exec/GMD/PNC

03/11/2009 02:26 PM

To Kathy Castrovillo/Consumer/GMD/PNC@PNC

cc Edith Councilman/RitySvcs/GMD/PNC@PNC, Lori

Kremer/Consumer/GMD/PNC@PNC
Subject Re: Fw: Fenwick Farmer's Market

I approve the use of the property for the Fenwick Farmers Market. I believe this will create an opportunity to develop new business.

Thanks, Jp

Joseph F. Pipitone Sr.Vice President Area Manager-EasternShore 302-436-1304 Cell: 410-707-2774 Kathy Castrovillo/Consumer/GMD/PNC

> Kathy Castrovillo/Consumer/GMD/P NC

03/11/2009 02:06 PM

To Joseph Pipitone/Exec/GMD/PNC@PNC, Lori Kremer/Consumer/GMD/PNC@PNC

cc Edith Councilman/RltySvcs/GMD/PNC@PNC

Subject Fw: Fenwick Farmer's Market

Hello Joe and Lori,

According to Edie Councilman, she needs an approval from each of you on this- see below

Could you reply to all so both Edie and myself will have record of your approvals??

Thanks so much

Kathy Castrovillo Manager- Fenwick Island 1107 Coastal Hwy Fenwick Island, DE 19944 W6-W444-01-01 P 302-537-2500 F 302-537-2503

----- Forwarded by Kathy Castrovillo/Consumer/GMD/PNC on 03/11/2009 02:03 PM -----

Kathy
Castrovillo/Consumer/GMD/P
NC

NC 03/04/2009 01:51 PM

cc Joseph Pipitone/Exec/GMD/PNC@PNC, Lori Kremer/Consumer/GMD/PNC@PNC, Herbert Bounds/RltySvcs/GMD/PNC@PNC

To Edith Councilman/RitySvcs/GMD/PNC

Subject Fenwick Farmer's Market

HI Edie

I am writing you in regards to the conversation we had about the Farmer's Market using the bank's lot this summer. Ellen Magee is the contact person for the group that wishes to use the lot to sell produce this summer and is the one who will sign the agreement.

I spoke with her about the agreement that will have to be signed. She is fine with that. Once she has our permission (the signed agreement), she will have to go to the Town Council and they will vote on whether they will allow it.

The Fenwick Farmer's Market is the group, headed up by Ellen Magee (302-436-5589) Ellen said about 15 -20 different participants
Held on Monday mornings 8:00AM to 12:00 PM
Starting Monday, June 29
Last day Monday, August 31
To be held on the bank's empty lot, on the south side of the bank.

I feel this could be a positive for our branch and possible opportunities.

The one thing we would have to have written in the agreement is-- no parking in the actual bank parking lot during the market hours. Our parking lot is not that big and we need all spaces available for banking clients.

Lori and Joe- we also need your approval on this.

Edie- let me know if you need any other information. Thanks

Kathy Castrovillo Manager- Fenwick Island 1107 Coastal Hwy Fenwick Island, DE 19944 W6-W444-01-01 P 302-537-2500 F 302-537-2503 Request to replace the current Parks and Recreation/Beautification Committee with a Planning Commission Sub-committee to be known as the Parks and Recreation Sub-committee

DATE:

27 March 2009

TO:

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Audrey Serio, Mayor/President of Council

Members of the Town of Fenwick Island Town Council

FROM:

Winnie Lewis, Fenwick Island Planning Commission Chair

At its January 2009 meeting the Planning Commission discussed an open space master plan. The Parks and Recreation Committee is identified as an important partner in this effort. A discussion resulted in a motion to petition Council to allow the Planning Commission to form a sub-committee for Parks and Recreation activities to assist in this effort and other implementation objectives and to replace the current Town Committee with this sub-committee as the current group does not appear to be active.

A review of past records shows that the Parks and Recreation/Beautification Committee has been responsible for spear-heading the building of the Town park; for the annual Christmas Tree lighting; Memorial Day Observances; and various musical and children's entertainments during the summer. The Parks and Recreation Committee established a highly successful "Memorial Paver" program; however, this same review shows a gradual change in focus from recreational to beautification efforts. It appears that, as a result of this shift, recreational pursults are no longer being addressed.

The Fenwick Island Comprehensive Plan addresses several points regarding the provision of recreational opportunities. Among the Immediate/Short-term Objectives:

- 5.7 Develop a plan to determine and prioritize recreational improvement.
 - o Identify potential recreation uses and programs.
 - o Locate site for new facilities.
- 5.8 Identify funding sources to acquire, improve and maintain new recreational amenities.
- 5.13 Create an open space master plan for acquiring or protecting these lands.
 - Create a public information process to determine which open space lands the public wishes to see preserved.
 - Research funding and preservation options through grants, conservation easements, fundraising, etc. and create a long term acquisition and preservation plan.

Utilize citizen participation for maintenance of open space land. This
participation could come from garden clubs, nonprofit organizations, educational
institutions, or other organizations geared toward civic-minded endeavors.

Additionally, the Parks and Recreation Sub-committee would be tasked with assisting the Cultural and Historic Preservation Sub-committee in its implementation of Objective 6.2 – Develop a comprehensive signage program that draws, in part, upon and reinforces Town history. We look forward to Parks and Recreation involvement in "Old Fenwick Island Days."

The Planning Commission proposes that the Parks and Recreation Sub-committee take on the recreational activities and a portion of the budget allocation of the Town committee and respectfully requests your consideration of our motion.

Winnie Lewis, Chair The Town of Fenwick Island Planning Commission

WL/adip

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C: Planning Commission Members Tom Wontorek, Interim Town Manager

Links from the Town of Fenwick Island Web Site

The purpose of the Town of Fenwick Island's web site is to provide citizens, businesses and visitors a wide range of information about the Town. As part of this public purpose, the web site includes links to outside web sites compatible with this goal. The Town has no control over the format, content, or accuracy of any information found on any web site not a part of Town's web site (specifically, any site not a part of the domain fenwickisland.org). The Town is not responsible for, does not endorse, and cannot assure the accuracy of information on outside web sites.

The following criteria will be used in considering requests for links from the Town of Fenwick Island's web site. If a particular request is not granted, the requester may ask the Town Council to decide whether to approve the request. The Council will review the merits of the requested link, keeping in mind the following criteria, to determine whether it serves the overall purpose of the Town's web site.

The Town reserves the right to determine how and where external links will appear on its web site; i.e. what page the link appears on and where the link is placed on the page.

The Town's web site may provide links to web sites for:

- · Governmental and educational institutions
- · Organizations funded or created by the Town of Fenwick Island
- · Nonprofit neighborhood associations within the Town of Fenwick Island
- Non-partisan web sites that encourage the informed and active participation of Fenwick Island residents in government
- Organizations providing the public with information or access to the arts, humanities, culture or education
- Nonprofit organizations providing employment, health and other services to Fenwick Island residents
- Web guides providing information about Fenwick Island hotels, restaurants, retail stores and similar businesses
- · Local and regional media web sites
- Organizations partnering with the Town of Fenwick Island to meet the Town's strategic or operational goals

The Town's web site will not provide links to web sites for:

- · Candidates for local, state or federal offices
- Political organizations or other organizations advocating a position on a local, state or federal issue
- Corporate or other for-profit organizations unless they fit any of the criteria stated above
- · Individual or personal home pages

Linking to the Town of Fenwick Island Web Site

Links to the Town's web site are permissible, and are in fact encouraged. However, we do ask that links point to the home page (http://www.fenwickisland.delaware.gov) rather than to any specific internal page, as those links may change from time to time.



bluegreen

300 south spring st. 1 suite 202 aspen, colorado 61611 1 970 429 7499 1 1 970 429 9499



to Comprehensive Plan Working Group and Planning Commission

from Bryan Harding and Sheri Sanzone

date 10 April 2007

project name Fenwick Island Comprehensive Plan

subject Potential Main Street Overlay District

copy to Tony Carson—Town Manager
Agnes DiPletrantonio—Project Staff

Purpose

The proposed Main Street Overlay District (Overlay District) brings together a group of planning tools to achieve many of the desired goals articulated through the Comprehensive Planning process. Use of the Overlay District will allow the Town greater flexibility in promoting alternative development designs as commercial properties develop and redevelop over time. Currently, many Town code provisions serve as barriers to achieving the desired family-oriented, small town and quiet resort character.

Use of the Overlay District offers a number of important benefits for the community, for residents, for property owners, for visitors and for business owners. These include:

- Creating a safe bicycle- and pedestrian-friendly character along SR 1 with continuous sidewalks, outdoor dining and "dwell" opportunities.
- Enhancing the architectural and built environment character of the properties, including signage and landscape improvements.
- Enabling a successful streetfront retail environment with opportunities for small-scale shops, services, and restaurants.
- Encouraging reinvestment in properties and their ongoing upkeep and maintenance.
- Leveraging state and other agency investments to advance community goals, including DelDOT's planned pedestrian improvements project.
- Reducing locally generated vehicle trips and maximizing parking efficiency.
- o Promoting the Town as a leader in resource and energy conservation.

Success of the Overlay District depends on close cooperation between the Town and the property owners. It requires a champion to initiate the Overlay District, fight to ensure it is done right and is followed through to completion. The best champions are multi-headed, representing both public and private interests. Marrying the State's, County's and Town's planning, coordination, infrastructure and public financing capabilities with the private

sector's entrepreneurial savvy, retailing know-how, development expertise and private capital will create the environment necessary for the community to realize the articulated goals.

Overlay Districts have been used successfully in other resorts and small towns to achieve goals similar to those articulated in Fenwick Island. Success is measured in tangibles such as increases in retail and restaurant sales. Business owner and/or tenant investments are evidenced in higher valuations for remodel building permits. A key success measurement is that property redevelopments and private sector reinvestments surpass public investments. Improvements in parking and local traffic conditions are determined through parking and traffic studies. Intangible evidence of success includes a more attractive and comfortable environment and places where people can meet and spend time.

Frequently Asked Questions

Q. Do all the changes illustrated in the commercial area vision plan need to occur for the Overlay District to be effective?

No. The vision plan is a great tool for describing the long-term potential of the commercial area under the Overlay District. The entire vision plan could take between five and 20 years to realize, and can be refined as the community's goals are further articulated. The Overlay District can include improvements that can be achieved incrementally, many in the first year.

Q. Some of the proposals in the commercial area vision plan could have negative impacts. Shouldn't they be solved before considering the Overlay District or Including it in the Comprehensive Plan?

Potential negative impacts are present in all plans, including the Comprehensive Plan. Plans are intended to be continuously evolving which enables a Town to further refine and improve their document. Also, because the Overlay District is a zoning tool, it will be further studied and detailed as a next step after the Comprehensive Plan is adopted. It will not be implemented and put into use as a part of the Comprehensive Plan process.

- Q. Why do we need to rezone properties?

 The Overlay District does not change current development regulations and properties do not need to be rezoned if it is implemented. It is an optional provision emphasizing creativity and incentives to help achieve community goals.
- Q. Won't constructing sidewalks alone improve the commercial area?
 Creating continuous sidewalks will help but it does not address all the identified shortcomings. And it does not leverage, or gain the biggest benefit from, the money spent to build the sidewalks. The Overlay District can ensure that the investment in continuous sidewalks is combined with other design improvements that create a successful main street.
- Q. How can we influence how these properties develop? Isn't it best to let the market determine where and how commercial properties develop?

 Development is already controlled through the Town's municipal codes including the zoning regulations. The Town has a strong influence on how properties are developing and redeveloping. The problem is that the current influence is not allowing the desired character of a family-oriented, small town and quiet resort. Tools such as the Overlay District enable the Town to be proactive in encouraging development that is in keeping with the desired character. The types of allowed uses can also be different than the Town's current commercial zoning. The best Overlay Districts are also rooted in market realities. Many communities cooperate with the private sector to test the Overlay District concepts on real world prototype projects.
- Q. If the Town decides that the Overlay District is a useful tool, what are the next steps? The Overlay District tool can be included in the Comprehensive Plan as a concept to be explored and further defined. The details of the Overlay District are then determined as a part of the Town's zoning code review/amendment process that is separate from the creation of the Comprehensive Plan. The Town has up to 18 months to amend its zoning code after the Comprehensive Plan is adopted.



Call to Order and Flag Salute at 3:30pm by Mayor Serio.

Council in Attendance: Tingle, Weistling, Bunting, Serio, Clark, Carmean and Smallwood. Absent: None

Topics for Discussion and Possible Action:

- a. Presentation of Concept Plan for Proposed Public Safety Building Bob Minutoli
 - Mayor Serio prefaced the presentation with remarks: topic has been researched; a need
 exists; rules governing public safety facilities are stringent; previous Town Manager
 approached the Bethany Beach Volunteer Fire Company for assistance; project meets
 FEMA goals; those assisting: BBVFC, local builder, council, FIPD Chief
 - Mr. Bob Minutoli presented the concept plan as developed by the above noted individuals
 - Plan under development since early summer 2008
 - Lot under consideration occupied by former Public Works building now leased to Bethany Beach Volunteer Fire Company; 100X50 occupied of a 150x50 lot.
 - Can utilize 50x50 that remains with a request that the current structure be retrofit to accommodate a living area for the fire fighters
 - Concept for add-on includes 1st floor for FIPD and 2nd floor for communal use and meets 30' FAR restrictions
 - State Fire Marshal reviewed and resolved issues; emergency generator sprinkler system will serve entire facility
 - Estimate \$800,000 or less; time to completion less than 12 months.

DISCUSSION:

Council Member Clark questioned the derivation of the architectural design and LEED guidelines. Mr. Minutoli advised that the design is based on the need for economy, speed of construction and its attachment to a current "undistinguished" building. It provides a workman-like facility that is easy to maintain long-term. "Green" considerations would add to cost but can be considered. The concept group did not do a cost/benefit analysis for added environmentally friendly consideration. Council Member Carmean expressed concern that rain water will run from the roof to the canals and questioned if grant funding is available as well as the availability of shower facilities in the locker room. Mr. Minutoli advised that grant research is not part of the concept plan and that interim Town Manager Tom Wontorek can be instrumental in locating funds. Showers are included in the concept plan.

- Mayor Serio advised that the next step will be the formation of a small task force who
 will present findings to the Council. Task force members: Mayor Serio, Interim Town
 Manager Wontorek, Council Member Weistling, FIPD Chief Boyden and Building Official
 Schuchman.
- b. Memorandum of Understanding Between Sussex County and The Town of Fenwick Island for Land Planning Coordination Tom Wontorek
 - Mr. Wontorek advised that he solicited clarification from Sussex County but did not receive a response. The Town of Fenwick Island Comprehensive Plan has designated an "area of concern" that is more extensive than the County's 1 mile/environmentally sensitive area. Mr. Wontorek adjusted the agreement to create an "Intergovernmental Coordination Zone" that covers the areas designated by both the Town and the County.

Motion to Accept the Revised Memorandum of Understanding – Council Member Clark Second – Council Member Carmean

Vote – All in favor Motion carried (7-0) DISCUSSION:

Mayor Serio advised that this agreement will allow for the free exchange of information between the Town and the County before any action regarding the area under consideration is finalized.

- Consideration of Resolution to Modify Building Permit Fees for the Installation of Solar Panels –
 Bill Weistling
 - Council Member Weistling advised that Section 61-8 of the Code grants Town Council
 the ability to set and to revise Building Permit Fees; that a Building Permit is required for
 property owners to install solar energy devices; and that the Town Council is interested
 in promoting the installation of renewable energy devices. Mr. Weistling proposed a
 Resolution to set a Solar Panel Permit Fee that shall be set at 2% (two per-cent) of
 estimated construction cost, or \$100, whichever is less.

Motion to accept Resolution #35-2009 Solar Panel Permit Fee – Council Member Weistling Second – Council Member Clark

Vote - All In favor

Motion to accept Resolution #35-209 carried (7-0)

DISCUSSION:

Council Member Carmean questioned the application of a 2% fee. Council Member Weistling advised that this appeared to be a reasonable fee as most would not exceed \$100 when calculating 2% of the cost of installation. Council Member Carmean suggested that \$100 is not adequate. Council Member Clark was in favor of moving ahead and Council Member Bunting advised that his previous reservations have been addressed.

Approval of Minutes:

Motion to Approve the Minutes of January 23, 2009 Meeting: Council Member Clark Second: Council Member Smallwood

DISCUSSION:

Council Member Weistling advised the following changes: Pg 1 last sentence "detained" should be "detailed;" Pg 4 changes - Once removed from the Charter, the position of Alderman may be difficult, if impossible, to reinstate; Chapter 5 of Town Code is outdated and not in compliance with the State; It is recommended to delete Chapter 5. When or if Alderman is active again, Chapter 5 can be reintroduced.

Vote to approve minutes with above noted changes – All in favor Motion carried (7-0)

Treasurer's Report:

Council Member Bunting presented Treasurer's Report.

Motion to Accept the Treasurer's Report: Council Member Carmean
Second: Council Member Clark
DISCUSSION:

Council Member Carmean advised that page 2 seems to indicate that Ambulance and Trash Fees appear to be over-budget. Council Member Bunting advised that the Town has collected more for those items than originally budgeted. Mayor Serio advised that the Budget Process will begin the end of March.

Vote - All in favor to accept the Treasurer's Report as presented Motion carried (7-0)

Town Manager Report:

Interim Town Manager Tom Wontorek reported that recycling has dropped to 7000#. DSWA has
given notice of its intention to increase its fees beginning September 2009 from the current \$1 to \$3.

Mr. Wontorek requested Council's guidance on how to proceed; i.e., pay the increase or put the recycling contract out for bid. Bid process can be completed within 30 days. Council Member Weistling questioned if DSWA will allow its containers to remain for the new hauler. Mr. Wontorek believes they will be transferred to the Town and the replacement hauler can attach their own decal over the DSWA logo.

- Mr. Wontorek advised that Selective Insurance has done its annual Workers Compensation Audit and will refund a portion of the premium to the Town due to good loss history.
- Mr. Wontorek advised DNREC met recently with Building Official Schuchman for a "Community Assistance" review with positive over-all results.
- A "linking" policy will be discussed at the next regular council meeting. This would establish the Town's policy regarding links with outside sources to the Town website.

Department Reports:

- Beach Patrol: No report.
- Building Official Building Official Pat Schuchman noted that her report is included in the meeting booklet.
- · Public Works: Mr. Wontorek noted that the report is included in the meeting booklet.
- Fenwick Island Police Department: Chief Boyden advised that in addition to the department report
 that is included in the meeting booklet, three police officers have been awarded 5-year service
 awards; the Attorney General's office is sponsoring a seminar on 3/2/09 at the Georgetown Cheer
 Center on Consumer Protection; and that he is working with Bethany Beach PD to bring a CPR
 instructor to Town Hall for classes.

Committee Reports:

- Beach Committee: No report
- Commercial Liaison Committee: No report
- Environmental Committee: Buzz Henifin gave a brief overview of the Committee's progress.
 Regarding Resolution #35-2009 Solar Panel Permit Fee, Mr. Henifin would like the words "solar panel" changed to "renewable energy." The next meeting is 3/11/09 @2PM.

Planning Commission:

Winnie Lewis reported that commission's report is included in the meeting booklet. Mrs. Lewis added that the Cultural and Historic Preservation Sub-committee will hold "Old Fenwick Island Days" in conjunction with the Fenwick Island Lighthouse and its 150th anniversary. Date 8/1-8, 2009.

Charter & Ordinance:

Council Member Weistling motioned to accept a First Reading to delete in its entirety Chapter 5 Aldermen

Council Member Clark seconded.

Discussion: Council Member Weistling noted that Chapter 5 Aldermen is outdated. It has been reviewed by the Town's Solicitor and noted that the Chapter will need to be rewritten in the future in order to be compliant with the State should the Town ever decide to reinstate the position.

Vote - All In favor

Motion to accept First Reading passed (7-0)

Second Reading scheduled for March 27, 2009

Old Business - None

Public Participation:

- Buzz Henifin (48 W Farmington EXT) thanked the Town for placing the "Blue Book" on the
 Internet in advance of the meeting. This has not been the practice previously. He also
 questioned the Budget Capital Expenses Expenditures from August 2008 January 2009 of
 \$250,000. Council Member Bunting advised this was the cost of the street project.
- John Belian (1 W Houston) Beach grass planting is 3/21/09 and does not include Fenwick Island this year. Mayor Serio requested that he let the Town staff know more information so that a call for volunteers can be placed on the Town website.

President's Report:

 Mayor Serio read into the record Resolution #34-2009 proclaiming April 24, 2009 as Arbor Day in the Town of Fenwick Island, and urged all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

Motion to accept Resolution #34-2009 – Council Member Carmean Second – Council Member Bunting
Discussion – None
Vote – All in favor to accept Resolution #34-2009
Motion passed (7-0)

- Mayor Serio announced the Service Awards given to Sgt. John Devlin, CPL Robert Beckage and PFC Jason Bergman, each having 5 years of service.
- Mayor Serio made note of upcoming meetings and events. The next regular Council meeting is March 27, 2009 @3:30 PM.

Motion to Adjourn- Council Member Carmean Second -: Council Member Smallwood Vote -: All in favor Motion passed (7-0) Mayor Serio adjourned the meeting at 4:50 PM.

Respectfully submitted, Diane Tingle, Secretary

Recorded and Transcribed by Agnes DiPletrantonio, Town Clerk

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MEMORANDUM OF UNDERSTANDING BETWEEN SUSSEX COUNTY AND THE TOWN OF FENWICK ISLAND, DELAWARE, FOR LAND PLANNING COORDINATION

This Memorandum of Understanding (MOU) is hereby agreed to by Sussex County (the County) and the Town of Town of Fenwick Island (the Town), a municipal corporation of the State of Delaware, and states as follows:

WHEREAS, the County is responsible for land use decisions outside the limits of municipalities; and

WHEREAS, the Town is responsible for land use decisions inside its municipal boundaries; and

WHEREAS, those decisions of the County and the Town may have an impact on the Town or the County; and

WHEREAS, the Town has completed a comprehensive plan that may designate certain lands as "Areas of Concern" that are similar to those designated by the County as "Environmentally Sensitive Development Areas"; and

WHEREAS, the Town designated "Areas of Concern" and the County designated "Area Within One Mile Surrounding The Town's Incorporated Boundary" and the County's "Environmentally Sensitive Development Areas" are not identical; and

WHEREAS, the County and the Town desire to discuss and communicate with each other regarding land planning and land use practices; and

WHEREAS, the County and the Town wish to ensure full opportunities for communication between the County and the Town, their Planning and Zoning Commissions, and their staff in addressing the benefits or impacts of zoning changes and land use decisions;

NOW, THEREFORE, the County and the Town do hereby agree as follows:

- 1. To establish an "Intergovernmental Coordination Zone" which shall be defined as either the Town's "Areas of Concern", the County's "Environmentally Sensitive Development Areas" or the "Area Within One Mile Surrounding the Town's Incorporated Boundary", whichever is larger.
- 2. To work cooperatively through the planning process to include land use policies and adequate public facility plans in the Town and the Intergovernmental Coordination Zone.
- 3. To establish a process for regular communication and monitoring of plan implementation that includes regular information sharing between the parties.

- 4. To receive and to review any Department of Transportation Traffic Impact Studies when received from it for any application for a major subdivision within the Town or the Intergovernmental Coordination Zone to determine Town and County traffic impact.
- 5. To cooperate to ensure that public services (wastewater, water, storm water management, and electricity) are in place or provided for throughout the Town and the Intergovernmental Coordination Zone so that there will be no areas excluded or unserved where feasible.
- 6. Upon receipt of an application for any annexation, development, or change in land use within the Town or the Intergovernmental Coordination Zone, to give written notice of such application to the other party.
 - 7. Either party may terminate this agreement upon ninety (90) days written notice.
- 8. That nothing contained herein shall confer upon nor be deemed a delegation to the other party of any authority or jurisdiction over the other party's land use, planning or zoning powers, authority, or jurisdiction.

IN WITNESS WHEREOF, the parties hereto do hereby set their hands and seals.

SUSSEX COUNTY	TOWN OF FENWICK ISLAND
Ву:	Ву:
Dated:	Dated:
Witness	Witness

TOWN OF FENWICK ISLAND

FINANCIAL STATEMENT

FOR THE PERIODS ENDED FEBRUARY 28, 2009



A PROFESSIONAL CORPORATION . CERTIFIED PUBLIC ACCOUNTANTS

DAVID R. URIAN, CPA .
DAVID C. DOANE, CPA
CHARLES H. STERNER, JR. CPA, CVA
SHELDON L. FORNEY, CPA
JAY M. STEVENS, CPA, PFS
ROGER R. REED, CPA
ELAINE E. GRAVES, CPA

TRUITT W. JEFFERSON, CPA, DIRECTOR RETIRED

> ANITA Y. SMITH, MEd, DIRECTOR BRYAN L. HUDSON, CPA, DIRECTOR

To the Town Council Town of Fenwick Island Fenwick Island, Delaware

We have compiled the accompanying statement of revenues and expenditures - budget and actual - general fund of the Town of Fenwick Island for the periods ended February 28, 2009 in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The financial statements have been prepared on the modified cash basis of accounting.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared on the modified cash basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Town's revenues and expenditures. Accordingly, these financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to the Town of Fenwick Island.

Jefferson, Urian, Doane & Sterner, P.A.

Ocean View, Delaware March 18, 2009

	Actual February 09	Actual Aug - Feb 09	Budget	% of Budget
Revenues	rebruary 02	Aug - I to 05	Duager	70 of Bauget
Taxes				
Property Taxes	\$ -	\$ 620,170	\$ 625,000	99%
Realty Transfer Tax		249,756	-	100%
Rental Receipt Tax	322	233,766	262,000	89%
Prior Year Revenue in Excess of Expense			169,000	0%
Total Taxes	322	1,103,692	1,056,000	105%
Charges for Services - Administration				
License Fees - Contractors	2,112	28,687	35,000	82%
License Fees - Rentals	924	17,292	22,500	77%
License Fees - Merchants	236	19,171	25,000	77%
Ambulance Service Fee	-	17,820	26,730	67%
Garbage Collection Fees	-	123,073	121,000	102%
Comcast Cable Fees	-	29,799	32,000	93%
Building Permit Fees	979	8,989	100,000	9%
Total Charges for Services - Administration	4,251	244,831	362,230	68%
Fines & Forfeitures				
Tax Penalties	45	1,955	3,000	65%
Traffic Fines	2,023	22,854	35,000	65%
Parking Violation Fees	50	11,141	20,000	56%
Total Fines & Forfeitures	2,118	35,950	58,000	62%
Investments				
Interest	486	6,847	18,168	38%
Total Investments Income	486	6,847	18,168	38%
Miscellaneous Revenue - Administration				
Parking Permits	15%	3,325	20,000	17%
Sale of Equipment	155	1,970	5,000	39%
Insurance Reimbursements	3,853	11,391		100%
Miscellaneous Income	121	4,298		100%
Total Miscellaneous Revenue - Administration	4,129	20,984	25,000	84%
Miscellaneous Revenue - Police				
Police Accident Report Fee	<u> </u>	150		100%
Total Miscellaneous Revenue - Police	: : : : : : : : : : : : : : : : : : :	150	=	100%
Intergovernmental Revenue Lifeguard				
State Beach Lifeguard Revenue		18,000	65,000	28%
Total Intergovernmental Revenue Lifeguard	मृ ज्ञा	18,000	65,000	28%
Intergovernmental Revenue Police		85250 55/05F-478 of 11	5,0,000 (4,0,000)	-0000000000000000000000000000000000000
County Police Grant	7,850, 300000	25,000	25,000	100%
Salary Reimbursement	1,009	4,729	13,000	100%
DEMA Homeland Security Grant			-	0%
Total Intergovernmental Revenue Police	1,009	29,729	38,000	78%
Total Revenues	\$ 12,315	\$ 1,460,183	\$ 1,622,398	90%

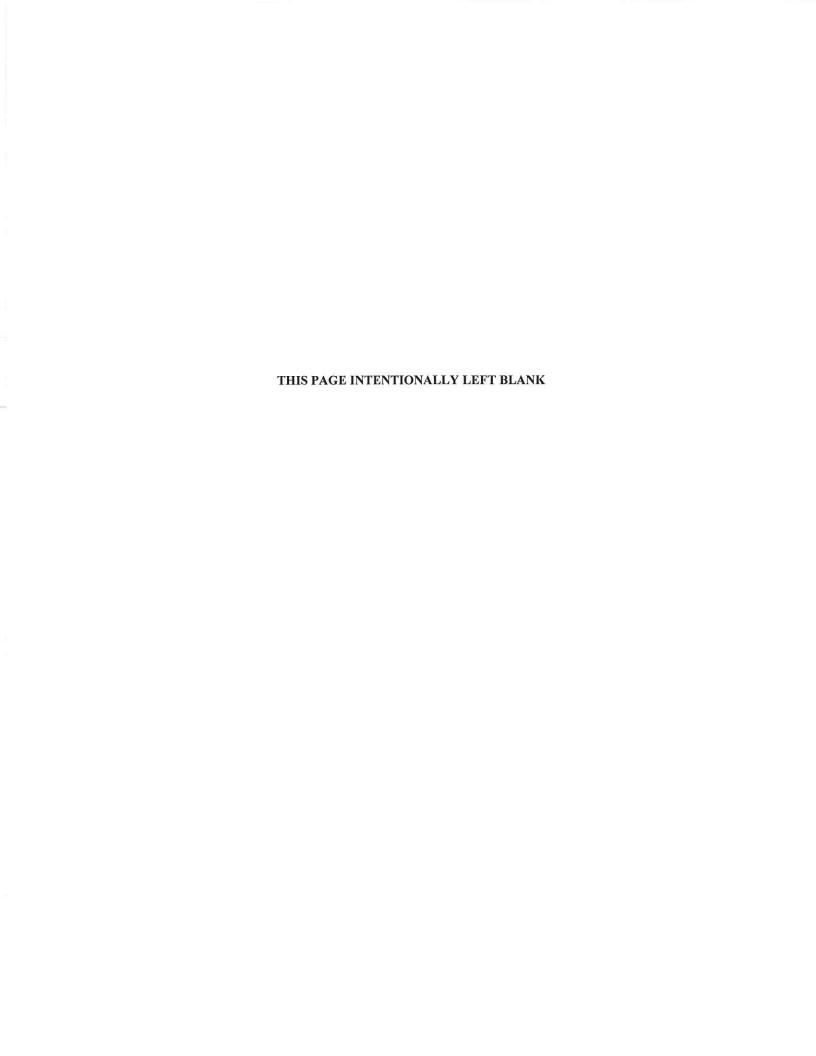
		ctual ruary 09	Actual Aug - Feb 09		Budget		% of Budget
Expenditures							
POLICE DEPARTMENT							
Police Salaries	\$	19,888	\$	159,480	\$	300,000	53%
Police Life Insurance		95		770		1,250	62%
Police Health Insurance		4,040		28,031		72,000	39%
Police Payroll Taxes		2,019		14,679		24,000	61%
Police Pension Expense							
Police - State Pension Payments		(2,340)		(45,084)		(36,000)	125%
Police Pension Expense		2,340		45,084		36,000	125%
Police Pension Expense - Net		*		(4)		% =	0%
Police Workers Compensation		-		22,360		21,000	106%
Police Supplies		120		1,678		1,000	168%
Police Office Equipment Maintenance		249		1,797		5,000	36%
Police Printing & Advertising				1,417		2,000	71%
Police Uniforms		-		3,764		5,000	75%
Police Computers		287		1,952		4,000	49%
Police Vehicle Maintenance		362		3,876		5,000	78%
Police Gas & Oil		511		7,930		18,000	44%
Police Vehicle Acquisition		950.X		23,927		25,000	96%
Police Training	-	966	-	2,466		3,000	82%
TOTAL POLICE DEPARTMENT	\$	28,537	\$	274,127	\$	486,250	56%

	Actual February ()9	ctual - Feb 09	Budget		% of Budget
Expenditures						
LIFEGUARDS						
Lifeguard Salaries						
Lifeguard Salaries - State	\$	-	\$ 19,658	\$		100%
Lifeguard Salaries - Town	1,4	61	42,833		180,000	24%
Total Lifeguard Salaries	1,4	61	62,491		180,000	35%
Lifeguard Payroll Taxes						
Lifeguard Payroll Taxes - State		-	1,624		-	100%
Lifeguard Payroll Taxes - Town	1	48	3,518		14,400	24%
Total Lifeguard Payroll Taxes	1	48	5,142		14,400	36%
Lifeguard Workman's Comp			10,248		14,418	71%
Lifeguard Supplies & Equipment		-	1,657		3,000	55%
Lifeguard Uniforms		-	63		6,000	1%
Lifeguard Junior Guards		-	(45)		400	-11%
Lifeguard Chair & Sign Maintenance			189		500	38%
Lifeguard Training		•	102		500	20%
Lifeguard USLA Certification		-	-		900	0%
Lifeguard Gasoline		2	145		200	73%
Lifeguard Miscellaneous			60	-	500	12%
TOTAL LIFEGUARDS	\$ 1,6	509	\$ 80,052	\$	220,818	36%

	Actual Actual February 09 Aug - Feb 09		 Budget	% of Budget	
Expenditures					
PUBLIC WORKS DEPARTMENT					
Public Works Salaries	\$	11,472	\$ 84,529	\$ 150,000	56%
Public Works Life Insurance		62	493	800	62%
Public Works Health Insurance		2,697	16,636	32,000	52%
Public Works Payroll Taxes		1,164	7,018	12,000	58%
Public Works Pension Expense		1,054	7,117	13,000	55%
Public Works Workman's Comp Insurance			12,112	12,500	97%
Public Works Training		120	120	1,500	8%
Public Works Office Supplies		-	4	500	1%
Public Works Shop Supplies		37	670	2,500	27%
Public Works Shop Equipment		-	905	2,000	45%
Public Works Printing & Advertising		(5)	-	700	0%
Public Works Utilities		689	2,967	5,000	59%
Public Works Bldg Maintenance			89	1,000	9%
Public Works Uniforms		•	234	1,500	16%
Public Works Gas & Oil		183	2,086	8,000	26%
Public Works Repairs & Maintenance		37	972	3,000	32%
Public Works Landfill Charges		-	(3,740)	<u>=</u>	100%
Public Works Miscellaneous Expense		339	339	500	68%
Public Works CDL Testing	_	-	 335	 1,000	34%
TOTAL PUBLIC WORKS DEPARTMENT	\$	17,854	\$ 132,886	\$ 247,500	54%

	Actual ruary 09		Actual g - Feb 09		Budget	% of Budget	
xpenditures							
ADMINISTRATION							
Administration Salaries	\$ 9,358	\$	101,493	\$	175,000	58%	
Administration Life Insurance	36		343		600	57%	
Administration Health Insurance	2,497		18,041		42,000	43%	
Administration Payroll Taxes	950		8,102		14,000	58%	
Administration Pension Expense	576		10,305		16,000	64%	
Administration Workers Comp			220		1,700	0%	
Administration Financial Services	ê		18,500		30,000	62%	
Administration Office Equip Maintenance	1,458		6,939		8,000	87%	
Administration Office Supplies	320		2,978		11,000	27%	
Administration Travel Reimbursement	-		864		3,000	29%	
Administration Vehicle Acquisition	358		2,509		5,000	50%	
Administration Vehicle Fuel/Maintenance	45		606		3,000	20%	
Administration Printing & Advertising	ä		84		2,000	4%	
Administration Miscellaneous Expenses	E.		105		-	100%	
Administration Training	-		280		2,000	14%	
Administration Parking Permits	-		:=:		3,000	0%	
Administration Capital Expenditures	 	_	1,715	_		100%	
TOTAL ADMINISTRATION	\$ 15,598	\$	172,864	\$	316,300	55%	

	Actual February 09	Actual Aug - Feb 09	Budget	% of Budget
Expenditures				
GENERAL GOVERNMENT				
General Government Insurance	\$ -	\$ 58,544	\$ 65,000	90%
General Government Telephone	662	4,180	8,100	52%
General Government Website	=	107	2,500	4%
General Government Legal	748	7,054	30,000	24%
General Government Audit	-	8,428	8,000	105%
General Government Postage	<u> </u>	1,800	6,000	30%
General Government Printing & Advertising	.=1	984	5,000	20%
General Government Utilities	1,660	9,678	14,000	69%
General Government Appraisal		(■)	5,500	0%
General Government Ambulance Service	2	11,973	27,730	43%
General Government Sewer	115	345	400	86%
General Government Dues	200	290	1,500	19%
General Government Service Grants	(B)	157	2,500	0%
General Government Recycling	788	6,922	-	100%
General Government Building Maintenance	328	3,754	6,000	63%
General Government Cell Phones	379	2,687	7,000	38%
General Government Contract Services	982	2,972	10,500	28%
General Government County Fee Tax Billing	-	(4)	800	0%
General Government Miscellaneous	234	2,296	7,000	33%
General Government Employee Relations	184	2,370	4,000	59%
General Government Codification			5,000	0%
General Government Pension Administration	(**)	644	3,000	21%
General Government Government Liaison	40	1,291	2,500	52%
General Government Median Maintenance	(*)	-	4,000	0%
General Government Community Projects	20	147	2,500	6%
General Government Community Outreach	1 0 0	341	2,000	17%
General Government Comprehensive Plan	5.50	1,635		100%
General Government Trash Collection	9,626	67,384	121,000	56%
General Government Capital Expenditures	826	253,000		100%
TOTAL GENERAL GOVERNMENT	15,966	448,826	351,530	128%
Total Expenditures	79,564	1,108,755	1,622,398	68%
EXCESS REVENUES OVER (UNDER) EXPENDITURES	\$ (67,249)	\$ 351,428	\$ -	



TOWN OF FENWICK ISLAND REALTY TRANSFER TAX FUND FOR THE PERIODS ENDED FEBRUARY 28, 2009 FYE JULY 31, 2009

ENDING	\$ 1,769,785	1,762,466	1,805,077	1,557,734	1,575,272	1,591,978	1,593,173	1,593,173	1,593,173	1,593,173	1,593,173	1,593,173	\$ 1,593,173
TRANSFERS OUT		(10,000)	•	(249,756)	10,000	ì	ā	a.	1	1	,	àn	(249,756)
TRANSFERS IN		·	,	31		1	įI		I,	1	ı		,
INTEREST	2,685	2,681	4,136	2,413	1,988	16,706	1,195						31,804
TAXES	10,125		38,475	U	5,550	1	1						54,150
STARTING	\$ 1,756,975	1,769,785	1,762,466	1,805,077	1,557,734	1,575,272	1,591,978	1,593,173	1,593,173	1,593,173	1,593,173	1,593,173	\$ 1,756,975
MONTH	August '08	September '08	October '08	November '08	December '08	January '09	February '09	March '09	April '09	May '09	June '09	90' ylul	TOTALS

TOWN OF FENWICK ISLAND Monthly Reconciliation Of Checking and Savings Accounts For the Periods Ended February 28, 2009

Compensated Absences

Police Pension

Checking - PNC Bank of Delaware	Ending		Beginning
General Fund - sweep	\$ 73,68	39.50 \$	141,917.68
Petty Cash	20	00.00	200.00
MSA Fund	2,7	14.53	3,062.94
Payroll Fund - sweep		-	-
SALLE Fund		3.28	3.28
EIDE Drug Enforcement	20	08.82	1,008.92
Criminal Justice	12	26.06	126.04
Parks & Recreation Fund - sweep			-
SLEAF Fund		30.00	30.00
Total Checking	\$ 76,97	72.19 \$	146,348.86
Savings - PNC Bank of Delaware			
MSA Fund Savings	\$ 14,27	71.12 \$	17,262.42
General Fund Savings	7,89	94.18	7,889.95
Realty Transfer - Non Reserve	16,5	18.32	16,512.61
Total Savings	\$ 38,68	83.62 \$	41,664.98
Total Cash	\$ 115,6	55.81 \$	188,013.84
INVESTMENTS Wilmington Trust Company - DELGIP			
General Fund Savings		64.45 \$	
Beach Replenishment		21.84	35,299.75
Realty Transfer Non Reserve	567,2		566,923.90
Realty Transfer Reserve	315,0	38.68	314,841.79
Certificates of Deposit and Other Investments Realty Transfer Fund			
WTC 6 Month CD @ 1.35%	347,0		347,002.76
PNC 13 Month CD @ 2.8%	174,2		173,890.53
Edward Jones Investments - CD's	173,0	71.18	172,806.68
Total Investments	\$ 2,342,2	41.48 \$	2,340,573.34
Total Cash & Investments	\$ 2,457,89	7.29	2,528,587.18
RESERVE ACCOUNTS			
Parks & Recreation	\$ 1,8	01.54 \$	1,942.92
Fains a Neoreation	Ψ 1,0	00.00	1,072.02

19,068.00

19,041.61

1,693.26

TOWN OF FENWICK ISLAND BUILDING REPORT FEBRUARY 2009

V. Parisi 611 Bunting Avenue ot 6 -34 23.08 38.00 Wins Enterprises C. Powderly E. Houston Street ot 7 -34 23.12 192.00 Wins Enterprises Chay 03 Bunting Avenue ot 2	New metal roof Lattice 450sf area under house Renovate bathroom in guesthouse	\$11,000.00 \$13,000.00 \$2,000.00	\$330.00 \$370.00 \$60.00
C. Powderly E. Houston Street Lot 7 -34 23.12 192.00 Wins Enterprises Chay 03 Bunting Avenue Lot 2	house Renovate bathroom in		38-04-00 (3-03-05-05-05-05-05-05-05-05-05-05-05-05-05-
. Chay 03 Bunting Avenue ot 2		\$2,000.00	\$60.00
-34 23.16 242.00			
. Saunders Roofing . Bortner 303 Schulz Road .ot 9 34 23,12 19.00	Re-shingle roof	\$4,130.00	\$124.00
. Boxler 19 Madison Avenue Lot 220 -34 23.16 182.01	Replace handrails & deckboards on existing deck	\$2,500.00	\$75.00
TOTAL		\$32,630.00	\$959.00
-	-34 23.12 19.00 . Boxler 9 Madison Avenue .ot 220 -34 23.16 182.01	-34 23.12 19.00 Boxler 9 Madison Avenue oot 220 -34 23.16 182.01 Replace handrails & deckboards on existing deck	-34 23.12 19.00 Boxler 9 Madison Avenue oot 220 -34 23.16 182.01 Replace handrails & \$2,500.00 deckboards on existing deck

CERTIFICATE OF COMPLIANCE

Permit #3612 – 1-34 23.12 102.00 – 14 W. Georgetown Street (Burton) Permit #3627 – 1-34 23.12 48.00 – 14 W. Essex Street (Hammer) Permit #3663 – 1034 23.12 177.01 – 6 E. James Street (Graefe)

PUBLIC WORKS DEPARTMENT REPORT February 7, 2009-March 5, 2009

The following activities have been performed by the Public Works Department for this time period.

- Drainage, shoulder, sign, and post work was performed throughout this time frame.
- Routine maintenance of buildings, equipment, and grounds was performed during this time frame
- Scraping South Carolina shoulder 150 feet south side.
- Scraping Bayside Drive shoulder 200 feet south side.
- Scraping shoulders Madison Ave. on both sides total of 800 feet.
- Installing playground mulch in park and mulch town hall and park areas
- Installing new street blade sign post.
- Street sweeping as needed.
- Repair drain basin N. Schulz Rd.
- Repair drain basin W. Georgetown St.
- Check and clean out concrete drain basins
- Dan and Charlie attended a 3 day workshop on debis.
- Pre, during, and post snow storm work

Respectfully submitted,

Thomas J. Wontorek

Interim Town Manager

FENWICK ISLAND POLICE DEPARTMENT

MEMORANDUM

TO:

PRESIDENT

COUNCIL MEMBERS

CITIZENS

FROM:

Chief William Boyden

DATE:

3/5/09

SUBJECT: MONTHLY REPORT

Attached you will find the Police Report for the month of February 2009. The report is submitted for your review and approval.

Summary of report:

	February 2009	February 2008
Traffic Arrests/Citations	102	69
Total Number of Complaints	15	28
DUI Arrests	0	0
Criminal Arrests	3	2
Parking Tickets	3	0

TO:

Fenwick Island Town Council

FROM:

Winnie Lewis, Chair, Planning Commission

The Cultural and Historic Preservation Sub-committee met on Tuesday March 10, 2009

- Members continue interviews and research
- Old Fenwick Island Days
 - A poster has been created and will be used to advertise the event
 - A rough budget was formulated. It includes:
 - \$129 for #100 posters
 - \$650 for #10 displays (20X30 each and mounted on foam board)
 - \$100 for software adjustment to one unused phone line in Town Hall to accommodate a "cell phone" tour. That is, a description of certain homes of interest in town that will be included in the walking tour brochure
 - Miscellaneous costs for printing of brochures; printing of descriptive materials for the displays; refreshments and entertainment for the picnic in the park; signs to be placed at homes of interest; and other items that may occur.

Planning Commission met on Tuesday March 10, 2009

- The Planning Commission respectfully requests council's consideration to allocate a
 working budget of \$2500 to the Cultural and Historic Preservation Sub-committee to
 carry out this and other projects. The Planning Commission will seek grant funds to
 help off-set some costs.
- The Planning Commission requests that council approve its proposal to replace the current Parks and Recreation/Beautification Committee with a Planning Commission Sub-committee to ne known as the Parks and Recreation Sub-committee. This subcommittee will assist the Planning Commission with Comprehensive Plan implementation efforts.
- As a result of recent discussion regarding the development/re-development of the
 commercial area, the Planning Commission proposes that Council allow the
 Commission to host a Saturday public workshop to review the concept of an
 "Overlay District." Bryan Hall, State Office of Planning, has consented to attend and
 to present information so that the Planning Commission might be able to better
 judge public sentiment toward the concept. The Planning Commission will request
 Council's approval for this meeting to be held in May or early June.
- Next meeting date is April 14, 2009. C&HP now requires more time and will extend its 1 PM meeting for 1 ½ hours. Planning Commission will meet at 2:30 PM.

Respectfully Submitted,

Winnie Lewis WL/adip

EXISTING:

CHAPTER 52 - BEACHES:

ARTICLE III. Activities Prohibited on Dunes Within Corporate Limits of Town

§ 52-12. Prohibited activities.

A. It shall be unlawful for any person to operate any equipment or ride or drive any horses or other animals on, over or across the primary dune or beach.

B. It shall be unlawful for any person to walk on, over or across the primary dune except at those locations specified by the State of Delaware or the Town of Fenwick Island, Delaware. C. It shall be unlawful for any person to remove sand from the beach or dune, or alter, move, remove or destroy any sand fence, barrier, sign, facility, improvement or structure installed and maintained by the State of Delaware or the Town of Fenwick Island, Delaware, for the enhancement, preservation or the protection of the beach.

D. It shall be unlawful for any person to kill, destroy or remove any trees, shrubbery, beach grass or other vegetation growing on the beach or dunes.

E. It shall be unlawful for any person other than state or Town officials to operate any automobile, OHV or other type of motor vehicle over any sand dune or stretch of sand eastward of the easternmost building setback line along Bunting Avenue.

§ 52-13. Exempt activities.

State of Delaware or Town of Fenwick Island, Delaware, official or authorized personnel or activities on the primary dune or beach are exempt from the provisions of this article.

§ 52-14. Violations and penalties.

Any person violating Article <u>III</u> prohibitions shall be fined and imprisoned commensurate with DNREC and or state guidelines.

PROPOSED:

§ 52-14. Violations and penalties.

Any person convicted of violating Article ||| prohibitions shall be fined \$250.00. Each day of a separate continuing violation shall be deemed a separate offense.

Posted: March 10, 2009

First Reading:	2/	27/	09	
First Reading: Second Reading: .	3	127	109	
APPROVED:				

Chapter 5 ALDERMEN

ARTICLE I Imprisonment Authority ARTICLE II
Powers and Duties

§ 5-1. Power to incarcerate to be specified.

§ 5-2. Jurisdiction.

[HISTORY: Adopted by the Town Council of the Town of Fenwick Island Art. I, 7-6-1978 as Ord. No. 44; Art. II, 7-6-1978 as Ord. No. 45. Amendments noted where applicable.]

ARTICLE I

Imprisonment Authority
[Adopted 7-6-1978 as Ord. No. 44]

§ 5-1. Power to incarcerate to be specified.

Alderman of the Town of Fenwick Island shall not have the power or authority to incarcerate for the violation of an ordinance of this town or any ordinance effective hereafter unless such ordinance passed hereafter grants specific power or authority to the Alderman to incarcerate.

Powers and Duties
[Adopted 7-6-1978 as Ord. No. 45]

§ 5-2. Jupisdiction.

Ϊ

A. The Aldermen of the town shall have jurisdiction of all violations of ordinances of the town and shall have the power and authority to fine offenders and compel the attendance of those accessed of any violation of town ordinances by service of process either within or without the limits of the town and compel the attendance of witnesses.

The Aldermen may hold in contempt of court any person who by disorderly conduct interrupts any judicial proceeding or who refuses or fails to carry out a judgment, order or decree rendered by the court and may punish the contempt by a fine of not more than one hundred dollars (\$100.) or by imprisonment for not more than thirty (30) days, or both.

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